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**MAR 18 2005**



McDonnell Boehnen Hulbert & Berghoff LLP

## Fax transmittal

To Commissioner for Patents/ OIPE  
Company USPTO  
Fax 1-703-872-9306  
Phone  
Copy To  
Pages, with cover 20  
Re USSN 10/720,448

Date March 18, 2005  
From Michael S. Greenfield  
Direct 312 913 0001  
Email greenfield@mbhb.com  
C/M 03-465-B (400.138)

300 South Wacker Drive 312 913 0001 phone  
Chicago, Illinois 60606-6709 312 913 0002 fax  
www.mbhb.com

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MAR 18 2005

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Case No.03-465-B (400/138))

In the Application of:

McSwiggen, et al.

Serial No. 10/720,448

Filed: November 24, 2003

For: RNA Interference Mediated Inhibition of Gene  
Expression Using Chemically Modified  
Short Interfering Nucleic Acid (siNA)

Group Art Unit: 1635

Examiner: TBA

**TRANSMITTAL LETTER**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
  - a) Request for Correct of Filing Receipt
  - b) Copy of Filing Receipt with Corrections
  - c) Supplemental Application Data Sheet
  - d) Return Postcard evidencing receipt of items stated herewith
2. With respect to fees:
  - a) It is believed no fee is due at this time.
3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
4. CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being sent via facsimile to (703) 872-9306, Office of Initial Patent Examination (OIPE), Commissioner for Patents, Alexandria, Virginia 22313-1450 on March 18 2005.

Respectfully submitted,  
McDonnell Boennen Hulbert & Berghoff LLPDate: March 18 2005By: Michael S. Greenfield  
Michael S. Greenfield  
Registration No. 37,142

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 03-465-B (400.138))RECEIVED  
CENTRAL FAX CENTER

MAR 18 2005

In re Application of: )  
 )  
McSwiggen, et al. ) Group Art Unit: 1635  
 )  
Serial No.: 10/720,448 ) Examiner: Not Assigned  
 )  
Filed: November 24, 2003 ) Confirmation No.: 4875  
 )  
For: RNA Interference Mediated Inhibition of )  
Gene Expression Using Chemically )  
Modified Short Interfering Nucleic Acid )  
(siNA) )

**REQUEST FOR CORRECTED FILING RECEIPT**

Mail Stop: OIPE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Application Processing Division  
Customer Correction Branch

Dear Sir:

1. Attached is a copy of the official filing receipt received from the PTO in the above-referenced application for which issuance of a corrected filing receipt is respectfully requested.
2. There is an error with respect to the following data, which is incorrectly entered.

**Error in**

Domestic Priority data as claimed by applicant:

This application is a CIP of 10/693,059 10/23/2003

which is a CIP of 10/444,853 05/23/2003

and is a CIP of 10/652,791 08/29/2003

which is a CON of 10/422,704 04/24/2003 ABN

which is a CON of 10/417,012 04/16/2003 ABN

and said 10/693,059 10/23/2003

is a CIP of PCT/US03/05346 02/20/2003

McDonnell Boehnen Hulbert & Berghoff LLP  
300 South Wacker Drive, 32nd Floor  
Chicago, IL 60606  
Tel: (312)913-0001  
Fax: (312) 913-0002

USSN 10/20,448

MBHB 03-465-B (400.138)

and is a CIP of PCT/US03/05028 02/20/2003  
which claims benefit of 60/363,124 03/11/2002  
and claims benefit of 60/386,782 06/06/2002  
and claims benefit of 60/406,784 08/29/2002  
and claims benefit of 60/408,378 09/05/2002  
and claims benefit of 60/409,293 09/09/2002  
and claims benefit of 60/440,129 01/15/2003  
and said PCT/US03/05346 02/20/2003  
claims the benefit of 60/358,580 02/20/2002\*  
and claims benefit of 60/363,124 03/11/2002  
and claims benefit of 60/386,782 06/06/2002  
and claims benefit of 60/406,784 08/29/2002  
and claims benefit of 60/408,378 09/05/2002  
and claims benefit of 60/409,293 09/09/2002  
and claims benefit of 60/440,129 01/15/2003  
and said 10/693,059 10/23/2003  
is a CIP of 10/427,160 04/30/2003  
and is a CIP of PCT/US02/15876 05/17/2002  
(\* ) Data provided by applicant is not consistent with PTO records.

**Correct Data:**

Domestic Priority data as claimed by applicant:

This application is a CIP of 10/693,059 10/23/2003  
which is a CIP of 10/444,853 05/23/2003  
and is a CIP of 10/652,791 08/29/2003  
which is a CON of 10/422,704 04/24/2003 ABN  
which is a CON of 10/417,012 04/16/2003 ABN  
and said 10/693,059 10/23/2003  
is a CIP of PCT/US03/05346 02/20/2003  
and is a CIP of PCT/US03/05028 02/20/2003

USSN 10/120,448


MBHB 03-465-B (400.138)

which claims benefit of 60/358,580 02/20/2002  
and claims benefit of 60/363,124 03/11/2002  
and claims benefit of 60/386,782 06/06/2002  
and claims benefit of 60/406,784 08/29/2002  
and claims benefit of 60/408,378 09/05/2002  
and claims benefit of 60/409,293 09/09/2002  
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and said PCT/US03/05346 02/20/2003  
claims the benefit of 60/358,580 02/20/2002  
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and claims benefit of 60/386,782 06/06/2002  
and claims benefit of 60/406,784 08/29/2002  
and claims benefit of 60/408,378 09/05/2002  
and claims benefit of 60/409,293 09/09/2002  
and claims benefit of 60/440,129 01/15/2003  
and said 10/693,059 10/23/2003  
is a CIP of 10/427,160 04/30/2003  
and is a CIP of PCT/US02/15876 05/17/2002

3. Applicants are requesting correction of a PTO error in which the claim to benefit of 60/358,580 was omitted, as indicated in the attached marked-up copy of the Filing Receipt. Also attached is a Supplemental Application Data Sheet in which a typographical error in the filing year of 60/358,580 has been corrected, and the address of inventor Sharon Jamison has been updated.
4. The correction is not due to any error by Applicant and no fee is due.

Respectfully submitted,  
McDonnell Boennen Hulbert & Berghoff LLP

Date: March 18 2005

By:   
Michael S. Greenfield  
Reg. No.: 37,142

McDonnell Boennen Hulbert & Berghoff LLP  
300 South Wacker Drive, 32<sup>nd</sup> Floor  
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MAR 18 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22315-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/720,448	11/24/2003	1635	450	03-465-B (400.138)	95	17	1

CONFIRMATION NO. 4875

020306  
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP  
300 S. WACKER DRIVE  
32ND FLOOR  
CHICAGO, IL 60606

\*OC000000015229172\*

Date Mailed: 02/22/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

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Weiman Wang, Superior, CO;  
Tongqian Chen, Longmont, CO;  
Narendra Vaish, Denver, CO;

## Assignment For Published Patent Application

Sima Therapeutics, Inc.

Power of Attorney: The patent practitioners associated with Customer Number 020306.

## Domestic Priority data as claimed by applicant

This application is a CIP of 10/693,059 10/23/2003  
which is a CIP of 10/444,853 05/23/2003

DOCKETED

MAR 18 2005

and is a CIP of 10/652,791 08/29/2003  
which is a CON of 10/422,704 04/24/2003 ABN  
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is a CIP of 10/427,160 04/30/2003  
and is a CIP of PCT/US02/15876 05/17/2002  
~~(\*) Data provided by applicant is not consistent with PTO records~~

**Foreign Applications**

If Required, Foreign Filing License Granted: 07/07/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/720,448**

Projected Publication Date: To Be Determined - pending completion of Sequence Disclosures

Non-Publication Request: No

Early Publication Request: No

**\*\* SMALL ENTITY \*\***

**Title**

RNA interference mediated inhibition of gene expression using chemically modified short interfering nucleic acid (siNA)

**Preliminary Class**

514

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).